

FISCAL NOTE

SB 1641 - HB 1409

April 10, 1997

SUMMARY OF BILL: Enacts the *Protection of Pupil Rights Act of 1997*. Requires all instructional materials which will be used in connection with any survey, analysis, or evaluation to be available for inspection by the parents or guardians. No student will be required to submit to a survey, analysis, or evaluation that reveals information concerning: political affiliations; mental and psychological problems potentially embarrassing to the student or the student's family; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; privileged relationships with lawyers, physicians and ministers; or income. LEAs shall give parents and students effective notice of their rights under this act.

Requires the Commissioner of Education to investigate, process, review and, if appropriate, appoint a hearing officer to adjudicate violations of these rights. Requires the State Board of Education to establish guidelines to be adopted by the LEA for the filing of complaints. Such procedure shall provide an opportunity for a timely hearing before the local school board as well as for timely appeal from the board's decision. The State Board shall develop a form to be used for filing such complaints.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Exceeds \$100,000

Increase Local Gov't Expenditures* - Exceeds \$100,000

Assumes one out of every 1,000 students (800) will have a complaint about a violation of their rights. One-half (400) will be settled at the local education level, one-fourth (200) will require mediation by the Department of Education and one-fourth (200) will require a hearing. Assumes a state cost exceeding \$100,000 to provide additional staff and related expenses to investigate, process and mediate such complaints, and appoint a hearing officer, if necessary, to adjudicate violations. Assumes a local government cost exceeding \$100,000 to provide mediation and a hearing before the local board of education as well as an appeal.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director